

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LISA BUON,

Plaintiff,

-against-

LISAMARIE SPINDLER, et al,

Defendants.

USDC SDNY
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DATE FILED: 4/17/2023

7:19-cv-6760 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff Lisa Buon (“Plaintiff”) brings this action against Lisamarie Spindler (“Spindler”), Roberto Padilla (“Padilla”), and the Newburgh Enlarged City School District (“Newburgh”) (together, “Defendants”). On April 1, 2020, Plaintiff filed a First Amended Complaint (“FAC”), alleging violations of Title VII of the Civil Rights Act of 1964, as amended, and the Equal Protection Clause of the Fourteenth Amendment, as made actionable by and through 42 U.S.C. Section 1983. (ECF No. 28.).

On March 18, 2021, the Court granted Defendants’ motion to dismiss the FAC. (ECF No. 41.) Plaintiff appealed the dismissal to the Second Circuit, which rendered a decision vacating in part and affirming in part the Court’s March 18, 2021 Order and Opinion. (*See* ECF No. 44, Certified Court of Appeal Opinion, C.A. no. 21-622-cv; *see also Buon v. Spindler*, No. 21-622-CV, 2023 WL 2903401, at *7 (2d Cir. Apr. 12, 2023)) (hereinafter “Second Circuit Order and Opinion”).

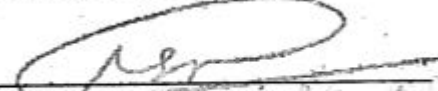
The Second Circuit, *inter alia*, remanded to the Court to determine whether Plaintiff should be provided with an extension of time to effectuate proper service as to Defendants Spindler and Padilla. Providing an extension of time is up to the Court’s discretion. *See Buon*, 2023 WL 2903401, at *7.

Accordingly, consistent with the Second Circuit's Order and Opinion, the Court GRANTS Plaintiff forty-five days, until June 1, 2023, to effectuate proper service upon Defendants Spindler and Padilla. The parties will thereafter have until June 22, 2023 to answer or seek leave to file a responsive pleading to the remaining claims in the FAC, consistent with the Second Circuit's Order and Opinion.

The Clerk of the Court is kindly directed to reopen this case.

Dated: April 17, 2023
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE